

**FIFTH DAY**

(Wednesday, January 17, 1973)

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: Adams.

A quorum was announced present.

The Reverend Charles A. Sumners, Rector, St. David's Episcopal Church, Austin, Texas, offered the invocation as follows:

Most Holy God, Creator and Sustainer of the world in which we live and move and have our being, Thou art thyself present in this place, and for Thy Presence we thank Thee. We hold before Thee Thy sons and Thy daughter to whom we have entrusted the high office of Senator in this State of Texas. Empower each and all of them to serve Thee as they serve Thy sons and daughters in Texas. Endow them with honor and integrity. Inspire them to seek Thy wisdom. Keep them strong when tempted, courageous, responsive to the needs of Thy people and to Thy will. Grant to them an ever increasing awareness of the dignity of their office. Let their lives within these Senate walls and beyond these doors reflect the honor of their calling. We ask in the Spirit of Jesus. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Adams was granted leave of absence for today on account of illness on motion of Senator Jones.

**WELCOME EXTENDED TO PRESIDENT OF SENATE**

The President recognized Senator Aikin who yielded to the President Pro Tempore.

The President Pro Tempore then welcomed Lieutenant Governor William P. Hobby and his family to the Senate.

**PRESENTATION TO PRESIDENT OF SENATE**

Senator Hightower asked unanimous consent that Senator Aikin be granted permission to proceed to the President's Rostrum.

There was no objection.

Senator Aikin proceeded to the President's Rostrum and presented the President a portrait of his father, William P. Hobby, Sr. Senator Aikin stated that the portrait of the former Lieutenant Governor had been loaned by

the Texas State Library to be displayed in the Lieutenant Governor's office during the President's tenure in that office.

**PRESENTATION OF MRS. OVETA CULP HOBBY,  
MRS. JESSICA CATTO AND MRS. WILLIAM P. HOBBY**

Senator Hightower presented as guests of the Senate today Mrs. Oveta Culp Hobby, Mrs. Jessica Catto and Mrs. William P. Hobby, and asked unanimous consent that they be granted permission to proceed to the President's Rostrum.

There was no objection.

**OATH OF OFFICE ADMINISTERED TO  
PARLIAMENTARIAN**

The President directed the Parliamentarian, Dr. June Hyer, to proceed to the Bar of the Senate. The President then administered the Constitutional Oath of Office to the Parliamentarian.

**SENATE CONCURRENT RESOLUTION 9**

Senator Creighton offered the following resolution:

S.C.R. 9, Providing for creation of a committee to select a State Artist.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

**COMMITTEE APPOINTED**

In accordance with the provisions of S.C.R. 9, the President appointed the following Committee: Senators Creighton and Herring.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, January 16, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 8, Recommending the closing of state offices and departments at noon on Tuesday, January 16, 1973.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**SENATE RESOLUTION 9**

Senator Schwartz offered the following resolution:

BE IT RESOLVED, By the Senate of the 63rd Legislature, that the following be adopted as the rules of the senate for the 63rd Legislature:

### **GENERAL PROCEDURE QUORUM**

1. Two-thirds of all the senators elected shall constitute a quorum, but a smaller number may adjourn (or recess) from day to day, and compel the attendance of absent members (Constitution, Article 3, Section 10).

### **ABSENTEES**

2. In case a less number shall convene, the members present may send the sergeant-at-arms, or any other person or persons, for any or all absent members.

### **ABSENCES**

3. No member shall absent himself from the sessions of the senate without leave unless he be sick or unable to attend.

### **ROLL CALL**

4. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

### **CALL OF THE SENATE**

It shall be in order to move a call of the senate at any time to secure, to maintain, or to secure and maintain a quorum for the following purposes:

(a) for the consideration of a specific bill, resolution or other measure;

(b) for a definite period of time or for the consideration of any particular class of bills.

When a call of the senate is moved for one of the above purposes and seconded by five members, and ordered by a majority of those present, the doorkeeper shall close the main entrance of the hall, and all other doors leading out of the hall shall be locked and no member be permitted to leave the senate without written permission of the presiding officer until after the subject matter upon which the call was ordered has been disposed of. The secretary shall call the roll of members and note the absentees and those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested wherever they may be found, by the sergeant-at-arms or officers appointed by him for that purpose, and their attendance secured and retained, and the senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the senate otherwise directs, be immediately admitted to the hall of the senate, and they shall report their names to the secretary to be entered upon the journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

### **SENATE'S RIGHT TO AWAIT ATTENDANCE OF ALL ABSENTEES**

When a quorum is shown to be present, the senate may proceed with the matters upon which the call was ordered, or may enforce and await the attendance of as many of the absentees as it desires to have present. If the senate decides to proceed, the sergeant-at-arms shall not be required to bring in other absentees unless so ordered by a majority vote of the senate.

When a call of the senate is ordered, as hereinabove authorized, the hall of the senate shall be held to include the senate chamber, the sergeant-at-arms room, the senate reception room, the senate cloak room and the corridors leading thereto.

### **PRESIDING OFFICER OF THE SENATE**

5. The lieutenant governor of the state shall by virtue of his office be president of the senate (Constitution, Article 4, Section 16) and decide all questions of order subject to appeal by any member. He shall have control of such parts of the capitol as have been, or may be, set apart for the use of the senate and its officers. He shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the senators present vote to elect another member to preside, and if a majority of the senators present so vote, the member called to the chair by the lieutenant governor or by the president pro tempore of the senate shall vacate the chair, and the member elected by a majority shall preside until the lieutenant governor or president pro tempore shall take the gavel and preside (Constitution, Article 3, Section 9).

### **ELECTION OF PRESIDENT PRO TEMPORE**

6. The senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of lieutenant governor in any case of absence or disability of that officer and whenever the said office of lieutenant governor shall be vacant (Constitution, Article 3, Section 9).

### **ELECTION OF OFFICERS**

7. A secretary, journal clerk, calendar clerk, enrolling clerk, sergeant-at-arms, doorkeeper, chaplain, and such other officers as a majority vote may determine to be necessary shall be elected at the opening of the session of the legislature to continue in office until discharged by the senate, and shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the senate. Such officers may not be related to any current member of the Texas legislature, nor may any employee of the senate be related to any current member of the Texas legislature. The secretary of the senate shall, in addition to his other duties, be responsible for the coordination of the other offices and divisions of the senate.

### **OPEN DOORS**

8. The doors of the senate shall be kept open, except when there is an executive session (Constitution, Article 3, Section 16 and Rules 37-43).

### **ORDER OF BUSINESS**

9. The presiding officer shall take the chair at the hour to which the senate last adjourned.

### **ROLL CALL, PRAYER BY CHAPLAIN, READING OF JOURNAL**

10. The names of the senators shall be called alphabetically; should a quorum not be in attendance, a majority of those present shall be authorized to send the sergeant-at-arms, or a special messenger, for the absentees; when there is a quorum present, prayer shall be offered by the chaplain and then the journal of the preceding day shall be read and corrected, if necessary.

### **MORNING CALL**

11. The president then shall call:
- (1) for petitions and memorials;
  - (2) for reports from standing committees;

- (3) for reports from select committees;
- (4) for senate bills on first reading and referral to committee;
- (5) for introduction of resolutions;
- (6) for messages and executive communications;
- (7) for motions to print on minority report;
- (8) for other motions not provided herein, including, but not limited to motions to set a bill for special order, to reconsider, to print and not print bills, to re-refer bills, to concur in house amendments to senate bills, to not concur in house amendments to senate bills, to request the appointment of conference committees and to adopt conference committee reports.

This concludes the morning call, which the president shall announce to the senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order; and the presiding officer shall not recognize any senator for the purpose of making any such motion or making a motion to suspend this rule.

### **ORDER OF CONSIDERING BILLS AND RESOLUTIONS**

12. At the conclusion of the morning call, the senate shall proceed to consider business on the president's table, which shall be disposed of in the following order:

- (1) special orders;
- (2) unfinished business;
- (3) senate joint resolutions;
- (4) senate resolutions;
- (5) senate concurrent resolutions;
- (6) senate bills on third reading;
- (7) senate bills on second reading;
- (8) house joint resolutions;
- (9) house bills on third reading;
- (10) house bills on second reading;
- (11) house concurrent resolutions.

The above order is for senate bill days, except as modified by the joint rules.

### **HOUSE BILL DAYS**

13. After the morning call has been concluded on calendar Wednesday and calendar Thursday of each week, house joint resolutions and house bills on special order and on third and second readings, respectively, and house concurrent resolutions, shall be taken up and considered until disposed of; provided in case one should be pending at adjournment on Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business.

### **SPECIAL ORDERS**

14. Any bill, resolution or other measure may, on any day, be made a special order for a future time of the session by an affirmative vote of two-thirds of the members present.

A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a two-thirds vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order; provided further that all special orders shall be subject to the joint rules and Senate Rule 13.

### **RULINGS BY PRESIDENT**

15. Every question of order shall in the first instance be decided by the president, from whose decision any member may appeal to the senate. Rulings which set or alter precedent shall be printed as an annotation to the rules.

### **MOTIONS AND THEIR PRECEDENCE**

16. When a question is under consideration by the senate, no motion shall be made except:

- (1) to fix the day to which the senate shall adjourn or recess;
- (2) to adjourn or recess;
- (3) to proceed to the transaction of executive business;
- (4) the previous question;
- (5) to lay on the table;
- (6) to lay on the table subject to call;
- (7) to postpone to a time certain;
- (8) to commit;
- (9) to amend;
- (10) to postpone indefinitely; which several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken; but the votes shall be taken on all such motions made in the order of the precedence above stated.

### **LIMITATION OF DEBATE**

17. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess; provided, however, that the author of a measure, or whichever one of the several authors of the same may be by them selected so to do, shall have the right, when a motion to lay on the table shall have been made to close the debate, which privilege he may yield to any other senator subject to all of the rules of the senate.

### **WRITTEN MOTIONS**

18. All motions shall be reduced to writing and read by the secretary, if desired by the presiding officer or any senator present.

### **WITHDRAWAL OF MOTION**

19. After a motion has been stated by the president, or read by the secretary, it shall be deemed to be in possession of the senate, but it may be withdrawn at any time before it has been amended or decided.

### **MOTIONS TO FIX SUM OR STATE TIME**

20. On a motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

### **DIVISION OF QUESTION**

21. Any member may have the question before the senate divided, if it be susceptible of a division, into distinct questions; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire

measure.

### **REASON FOR VOTE**

22. Any member shall have the privilege to have spread upon the journal of the senate a brief statement of his reason for any vote he may cast.

### **RECONSIDERATION**

23. After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, at any time on the same legislative day in which the vote was taken or on the next legislative day, move the reconsideration thereof. When a bill, resolution, report, amendment, order or message upon which a vote was taken shall have gone out of the possession of the senate and have been delivered to the house of representatives, or to the governor, the motion to reconsider shall be accompanied by a motion to request the house or the governor to return same, which last motion shall be acted upon, and if determined in the negative shall be a final disposition of the motion to reconsider. If the motion to request the house to return same is successful, the motion to reconsider shall then be acted upon and if sustained, the bill, resolution, report, amendment, order or message upon which the vote was taken and which vote was reconsidered, shall be placed upon the calendar as unfinished business and may be called up on the first appropriate day on or after the return of same to the possession of the senate.

### **SPREADING MOTION TO RECONSIDER ON JOURNAL**

24. At any time before the expiration of the next legislative day following that on which the vote was taken, a motion to reconsider a vote may be made by any senator who is permitted by Rule 23 to make it; and the maker of the motion may accompany it with a request that it be spread on the journal to be called up and acted on at a later time, which request shall be granted unless another senator demands immediate action thereon. In case a motion to reconsider that has been spread upon the journal is not called up to be acted on by the senate within five legislative days after it has been made, it shall not thereafter be called up or acted upon; and any such motion that has been made during the last six days of the session that has not been called up before the final 24 hours of the session shall not thereafter be called up or acted upon by the senate. In all cases, a motion to reconsider shall be decided by a majority of the vote.

### **READING OF PAPERS**

25. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a majority vote of the senate, and without debate.

### **MODE OF STATING AND VOTING UPON QUESTIONS**

26. All questions shall be distinctly put by the president and the members shall signify their assent or dissent by answering "yea" or "nay."

### **LIEUTENANT GOVERNOR TO GIVE CASTING VOTE**

27. If the senate be equally divided on any question, the lieutenant governor, if present, shall give the casting vote (Constitution, Article 4, Section 16).

### **EFFECT OF TIE VOTE WHEN LIEUTENANT GOVERNOR ABSENT**

28. If the senate is equally divided on any questions when the lieutenant governor is not present, such question or motion shall be lost.

### **CALL FOR YEAS AND NAYS BY THREE MEMBERS**

29. (a) At the desire of any three members present, the yeas and nays shall be entered on the journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum (Constitution, Article 3, Section 12).

(b) If a member who is absent desires to be recorded on a pending question he may cast a paired vote by signing a pair slip which indicates his yea or nay vote with a member who is present and casting an opposite vote, if the member who is present so desires. Pair slips must be signed by both the absent and present member and filed with the secretary of the senate before the vote. The vote of the absent member, while recorded as an expression of his opinion of the matter considered, shall not be counted in the total of votes for or against the measure or motion.

### **MEMBERS REFUSING TO ANSWER RECORDED PRESENT**

30. Upon a roll call of the senate, should any member who is in the senate chamber fail or refuse to answer when his name is called, the secretary of the senate shall, under the direction of the president of the senate, record such member as present.

### **MATTERS REQUIRING VOTE OF TWO-THIRDS OF ALL MEMBERS**

31. (a) A vote of two-thirds of all members elected to the senate shall be required:

(1) for the final passage of proposed amendments to the constitution (Constitution, Article 17, Section 1);

(2) in cases of great public calamity to release the payment of taxes (Constitution, Article 8, Section 10);

(3) for the final passage of bills to reduce a county to a less area than 900 square miles (Constitution, Article 9, Section 1);

(4) for the passage of an address to the governor for the removal of any civil officer (Constitution, Article 15, Section 8);

(5) to expel a member (Constitution, Article 3, Section 11).

### **VETOED BILLS**

(b) A vote of two-thirds of all members elected to the senate shall be required for the passage of house bills that have been returned by the governor with his objections, and a vote of two-thirds of the members of the senate present shall be required for the passage of senate bills that have been returned by the governor with his objections (Constitution, Article 4, Section 14).

### **MATTERS REQUIRING VOTE OF TWO-THIRDS OF MEMBERS PRESENT**

32. (a) A vote of two-thirds of all members present shall be required:

(1) for the impeachment of any officer (Constitution, Article 15, Section 3);

(2) to excuse absentees;

(3) to adopt an amendment at third reading of a bill or a joint



resolution;

(4) to postpone or change the order of business;

(5) to suspend, rescind or amend any rule of the senate. Joint rules of the two houses may be adopted or amended by a simple majority of the members elected to the senate and shall take precedence over senate rules in conflict.

(b) A vote of two-thirds of the members present shall be required for the confirmation of any appointee of the governor, unless otherwise directed by law (Constitution, Article 4, Section 12).

### **SUSPENSION OF THREE-DAY RULE**

33. It shall require a vote of four-fifths of the senate to suspend the rule requiring bills to be read on three several days (Constitution, Article 3, Section 32).

### **ELECTIONS**

34. In all elections of the senate, the vote shall be given viva voce, except in the election of officers of the senate (Constitution, Article 3, Section 41).

35. A majority of the whole number of votes cast shall be necessary for a choice in all elections by the senate.

### **NOMINATIONS BY THE GOVERNOR**

36. When nominations shall be sent to the senate by the governor, a future day shall be assigned for action thereon, unless the senate unanimously direct otherwise. They shall be referred directly to either the Subcommittee on Nominations or the standing committee with jurisdiction over the subject matter involved, which shall hold hearings and report its actions directly back to the senate.

37. Nominations having been reported out of the Nominations Subcommittee or other appropriately designated standing committee shall not be acted upon unless the names of the nominees or individual nominee shall have been printed and laid on the members' desks 24 hours beforehand.

38. Hearings on nominations by the proper committee shall be open meetings, unless an executive session is ordered by a majority vote of the membership of that committee.

39. All nominations approved or definitely acted on by the senate, shall be returned to the governor, by the secretary, from day to day, as such proceedings may occur.

### **SECRECY OF EXECUTIVE SESSION**

40. When the senate is in executive session, the senate chamber and gallery shall be cleared of all persons except the secretary of the senate and the sergeant-at-arms who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the senate.

41. Consideration of all information and remarks touching the character and qualifications of nominees for confirmation by the senate shall be in executive session unless ordered otherwise by a proper motion adopted by a two-thirds vote of the membership of the senate. Members of the senate shall vote to confirm or not to confirm in open session of the senate and the votes to confirm and not to confirm shall be entered in the journal of the senate.

42. No member of the senate shall be prohibited from revealing his own view on any matter, or his vote on any matter, pending or having been decided by the senate.

### **VIOLATION OF SECRECY**

43. Any officer or member convicted of violating any provisions of either Rule 40 or 41 shall be liable, if an officer, to dismissal from the service of the senate, and, if a member, to expulsion.

### **MESSAGES TO THE HOUSE**

44. Messages, bills, resolutions and other papers shall be sent to the house of representatives by the secretary, who shall previously endorse upon them the final determination of the senate thereon.

### **RECEPTION OF HOUSE MESSAGES**

45. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

### **JOURNAL OF THE SENATE**

46. The proceedings of the senate, when not in committee of the whole or in executive session, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of the bill and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the journal; every report of a committee and vote of the senate; and a brief statement of the contents of each memorial, petition, or paper presented to the senate, shall also be inserted in the journal. Resolutions of a congratulatory nature, and resolutions recognizing visitors to the senate shall not be numbered or printed in the journal, but the names of the sponsor and the persons concerned and the recognition accorded may be listed for each day at the end of the day's proceedings. Originals of congratulatory recognition and memorial resolutions shall be limited to five in number.

### **RETURN OF VETOED SENATE BILLS**

47. When a bill shall be returned to the senate by the governor, with his objections, they shall be entered at large upon the journal (Constitution, Article 4, Section 14).

### **REPORT TO GOVERNOR OF FINAL RESULT OF EXECUTIVE SESSION**

48. The proceedings of the senate, when in executive session shall be kept in a separate book. The proceedings of the senate, when in open session acting upon nominations made by the governor, shall be entered in the journal of the senate, and the secretary shall report the final result to the governor.

### **ADJOURNMENT**

49. A motion to adjourn or recess shall always be in order, and shall be decided without debate, and the senate may adjourn or recess while operating under the previous question.

### **ADJOURNMENT OF SENATE FOR MORE THAN THREE DAYS**

The senate shall not adjourn or recess for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the house of representatives (Constitution, Article 3, Section 17).

### WHEN SENATE RULES ARE SILENT

50. The president of the senate shall decide all questions not provided for by the standing rules of order of the senate, and joint rules of order of both branches of the legislature, according to parliamentary practice, laid down by approved authors subject to appeal to the entire senate, as in other cases.

### PREVIOUS QUESTION

51. Pending the consideration of any question before the senate any senator may call for the previous question, and if seconded by five senators, the presiding officer shall submit the question: "Shall the main question be now put?" And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the senate to a direct vote--first upon pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the senate as a separate proposition, and be decided by a vote upon said amendment or motion.

### DEMAND FOR IMMEDIATE RULING

52. Pending the consideration or discussion of any point of order before the presiding officer and the senate, or either, any senator may demand that the point of order be immediately decided, and if seconded by 10 senators, the presiding officer shall submit the question: "Shall the point of order be now decided?" If a majority vote is in favor of it, the point of order shall immediately be decided by the presiding officer, and if an appeal from his decision is taken, the appeal shall be immediately decided by the senate without debate.

### DECORUM REMOVAL OF SENATOR FROM CHAIR

53. If any senator other than the regularly elected president pro tempore be presiding and fails or refuses to recognize any senator to make a motion that is in order, or to raise a point of order that it is in order to raise, or fails or refuses to entertain an appeal from his decision, or to put such question to the senate or fails to recognize any senator to demand that a point of order under discussion be immediately decided, or fails to put the question, if seconded by 10 senators, "Shall the point of order be now decided?" such senator so offending shall be deemed guilty of violating the high privileges of the senate, and until such offending senator shall purge himself of such contempt and be excused by the senate, he shall not again be called to the chair during the session. If such senator so presiding shall refuse to recognize any senator when addressed in proper order, or to entertain the motion, the point of order, or appeal of any senator, or to pass upon the same, or to recognize a senator to make the demand when seconded by 10 senators that a point of order under discussion be immediately decided, then the senator seeking recognition may rise in his seat, and without recognition, read a written demand upon the senator presiding, provided the same is signed by a majority of the senators present, and if the senator presiding persists in his refusal, then any number of senators constituting a majority of the senators present may present such written demand to the sergeant-at-arms, or the assistant sergeant-at-arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer, or either of them to arrest said senator so presiding and eject him from the chair, and retain him under arrest until he shall be released by order of the senate.

Should the sergeant-at-arms or the assistant sergeant-at-arms fail or refuse to act and carry out such demand, they shall be removed from office on a

majority vote of the senate.

When such senator is removed as aforesaid and the chair remains vacant, the secretary shall call the senate to order, and a president pro tempore ad interim shall be elected to preside until the lieutenant governor or a regular elected president pro tempore shall appear and take the gavel.

As soon as order is restored the chair shall cause a record of the fact of removal to be made.

### **DECORUM AND DEBATE**

54. When a senator is about to speak in debate or to communicate any matter to the senate, he shall rise in his place and address the president.

### **RECOGNITION OF MEMBERS IN DEBATE**

55. When two or more members rise at once, the presiding officer shall decide which one shall speak first, but from his decision an appeal without debate may be taken to the senate by any member.

### **SPEAKING MORE THAN ONCE IN SINGLE DEBATE**

56. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken, nor shall any member speak more than twice in any one debate without leave of the senate.

### **MEMBER CALLED TO ORDER**

57. When a member shall be called to order by the president, or by a senator, he shall sit down and not be allowed to speak, except to the point of order, until the question of order is decided. If the decision be in his favor he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the senate.

### **REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED**

58. Whenever a member is called to order by the president of the senate, or by the presiding officer then in the chair, in accordance with Rule 57 hereof, and such member fails to sit down and be in order, but continues disorderly, it shall be the duty of the sergeant-at-arms and/or his assistants upon the direction of the presiding officer to require such recalcitrant member to take his seat and be in order. Any member who persists in disorderly conduct, after being warned by the presiding officer, may, by motion duly made and carried by two-thirds vote of the members in attendance, be required to purge himself of such misconduct and until such member has purged himself of such misconduct he shall not be entitled to the privileges of the floor.

### **INTERRUPTION OF PRESIDENT**

59. While the president is putting the question or addressing the senate, he shall not be interrupted.

### **INTERRUPTION OF MEMBER SPEAKING**

60. While a member has the floor, no member shall interrupt him or otherwise interrupt the business of the senate, except for the purpose of making a point of order, calling him to order, moving the previous question, demanding that a point of order under discussion or consideration be immediately decided, or a motion to adjourn or recess; and any member shall, though another member has the floor, be recognized by the presiding officer, and be in order to call to order the member, to make a point of order, or to move the previous question, or to demand that a point of order be immediately decided. A member who has the

floor must yield to permit the senate to receive messages from the governor and from the house of representatives and shall not lose the floor. A member who has the floor may yield for questions from other members and shall not lose the floor. In the event a member is interrupted because of a motion to adjourn or recess and the motion fails, the floor shall be immediately returned to the interrupted member. In the event the interrupted member was speaking under the previous question and a motion to adjourn or recess prevails, he shall resume the floor and finish speaking when the bill is next considered by the senate.

### **PUNISHMENT FOR MISCONDUCT**

61. The senate may punish any member for disorderly conduct, and, with the consent of two-thirds of the elected members, may expel a member, but not a second time for the same offense (Constitution, Article 3, Section 15).

### **OBSTRUCTING PROCEEDINGS OF SENATE—PUNISHMENT**

62. The senate, during its session, may imprison for 48 hours, any person, not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings (Constitution, Article 3, Section 15).

### **BRIBERY**

63. Any member who shall receive or offer a bribe, or who shall suffer his vote to be influenced by promise or preferment of reward, shall on conviction, be expelled (See also Articles 158, 161, Penal Code).

### **ADMITTANCE TO SENATE CHAMBER; RESTRICTIONS ON DRESS AND BEHAVIOR**

64. Persons hereinafter named and no others shall be admitted to the senate chamber while the senate is in session provided that persons other than members of a senator's family, members of the house of representatives of the State of Texas, and pages and sergeants-at-arms of the senate, shall be required to remain behind the brass rail.

(1) Members of the senate and their families, secretary of the senate and his family, employees of the senate and house of representatives when on official business, representatives, the governor, his family and his private secretary, the lieutenant governor and his family, the president and vice-president of the United States, United States senators and members of congress, governors of other states, judges of the supreme court, secretary of state, the courts of criminal and civil appeals, duly accredited newspaper reporters and correspondents and radio commentators and television cameramen and commentators who have complied with Sections (2) and (3) of this rule. It shall be the special duty of the president to see that officers and employees remain upon the floor of the senate only when actually engaged in the performance of their official duties. Such persons other than the lieutenant governor and members of the senate shall not be permitted to work for or against any proposition before the senate while on the floor.

### **PERSONS LOBBYING NOT ADMITTED**

No newspaper reporter, or other person whomsoever, whether a state officer or not, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be permitted upon the floor of the senate or in the rooms leading thereto, except the senate reception room, when the senate is in session.

### **PRESS CORRESPONDENTS**

(2) While the senate is in session, no person shall be admitted to the floor of the senate or allowed its privileges, as a press correspondent or radio commentator or television cameramen and commentators, unless said person is a regularly employed, salaried staff correspondent or reporter in the employ of a newspaper publishing general news, or press association serving newspapers, or publications requiring telegraphic coverage, or unless said person is a regularly employed, salaried employee of a duly licensed radio or television station.

### **FORFEITURE OF ADMITTANCE PRIVILEGE**

(3) If any person, admitted to the senate under this rule, shall lobby or work for or against any pending or prospective legislation or shall violate any of the other rules of the senate, the privileges extended to said person under this rule shall be suspended by a majority of the Committee on Administration. The action of the committee shall be reviewable by the senate only if two members of the committee request an appeal from the decision of the committee, which appeal shall be in the form of a minority report, and shall be subject to the same rules that are applicable to minority reports on bills.

Every newspaper reporter and correspondent, and radio commentator and television cameramen and commentators, before being admitted to the senate during its session, shall file with the Committee on Administration a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corporation or association except the paper or papers or radio station or television station which he represents.

### **SUSPENSION OF ADMITTANCE RULE**

(4) It shall be in order for the president to entertain a request, motion or resolution for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

(5) It shall be the duty of the sergeant-at-arms and his assistants to clear the hall of all persons not entitled to the privilege thereof 30 minutes before the hour of the meeting of the senate.

### **EXCEPTIONS**

(6) Provided that this rule shall not apply to persons who are invited to address the senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said committee, nor to the governor while delivering an official message; provided further that this rule shall not apply during the inauguration of the governor and other public ceremonies provided for by resolution of the senate. All officers and employees of the senate are prohibited from lobbying in favor of or against any measure or proposition pending before the senate, and should any officer or employee violate this rule, the same shall be cause for dismissal from the service of the senate by the president.

(7) Provided further that the privileges of the floor shall not be extended to any person or persons except members of the senate, and the governor, desiring to make an address before the senate on pending or contemplated legislation.

(8) Solicitors and collectors shall not be admitted to the senate during its sessions.

(9) Messages or call slips shall not be delivered to members of the senate when a roll call is in progress. Individuals desiring to pass a message to members of the senate must sign their names to that message.

**NO EATING OR DRINKING IN SENATE CHAMBER**

65. No employee, senator, representative or other person shall be allowed to eat or drink in the senate chamber proper at any time. The sergeant-at-arms and other custodians will strictly enforce this rule.

**PERSONS MUST BE PROPERLY  
ATTIRED IN SENATE CHAMBER**

66. While the senate is actually in session, no male senator or representative or any other male person shall come on the floor of the senate without wearing a coat and tie. The sergeant-at-arms and doorkeepers are instructed to strictly enforce this rule, and only the president of the senate may suspend the rule as to any person or to all persons, and that action to be taken in writing to the sergeant-at-arms.

**LEGISLATION  
CONSIDERATION OF HOUSE BILL IN LIEU OF SENATE BILL  
ON SAME SUBJECT**

67. When any senate bill shall be reached upon the calendar, or shall be before the senate for consideration, it shall be the duty of the president to give the place of such bill on the calendar to any house bill which has been referred to and reported from a committee of the senate containing the same subject, or to lay such house bill before the senate to be considered in lieu of such senate bill.

**PROCEDURE IN PASSAGE OF BILLS**

68. No bill shall have the force of a law until it has been read on three several days in each house and free discussion allowed thereon, but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill), four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals (Constitution, Article 3, Section 32).

**ANNOUNCEMENT OF STAGE OF BILL**

69. The president shall, at each reading, announce whether the bill originated in the senate or house of representatives, and whether it be the first, second, or third reading.

**FIRST READING AND REFERENCE OF BILLS**

70. (a) Beginning the first Monday after the general election preceding the next regular legislative session, or within 30 days prior to any special session, it shall be in order to file with the secretary of the senate bills for introduction in that session. Upon receipt of such bills the secretary of the senate shall number them and make them a matter of public record, available for distribution. Once a bill has been so filed it may not be recalled.

(b) A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a senate bill, shall be the reading thereof when first introduced; if a house bill, the reading thereof when submitted to the senate. And all house bills, when received in the senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee. And it shall be the duty of each committee of the senate when there has been referred to it or is before it for consideration a senate bill and a house bill containing the same subject to consider first and report upon the house bill. During the first 60 days of the session, a bill may be introduced by filing same

with the secretary of the senate at any time whether the senate is in session or not. A bill filed with the secretary of the senate shall be read on first reading at the appropriate point in the morning call during the next legislative day after said bill has been filed.

#### **MOTION TO PASS BILL IS NOT NECESSARY**

71. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a senate bill, "Shall this bill be engrossed and passed to a third reading?" and if it be a house bill, "Shall this bill pass to a third reading?"

#### **GERMANENESS**

72. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate (Constitution, Article 3, Sections 30 and 35).

#### **SEVENTY-TWO AND TWENTY-FOUR HOUR RULES**

73. No bill shall be considered unless it has been referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the legislature (Constitution, Article 3, Section 37). And no vote shall be taken upon the passage of any bill within the last 24 hours of the session unless it be to correct an error therein.

#### **PRINTING OF BILLS**

74. Every general bill reported favorably shall be printed, unless the senate, on the same day it is reported or on the next legislative day, shall order it not printed. Motions not to print bills shall be made in writing signed by the author of the bill and filed with the secretary of the senate at least 24 hours before being acted upon. A list of such bills by number and caption not printed by virtue of such motions shall be distributed to the members at the close of each day's business. Each local bill shall be printed, unless the committee reporting it recommends that it not be printed, in which case the committee's recommendations shall be effective as an order of the senate that the bill be not printed. A list of such bills by number and caption shall be printed and distributed to the members each day. Copies of all bills printed shall be placed on the desks of senators on the same day the printed copies are delivered by the printer. No bill except local bills and except general bills that have been ordered not printed by the senate shall be considered by the senate until a printed copy thereof has been on the desks of each senator at least 24 hours. Motions that bills be not printed are privileged when there is no other matter pending before the senate.

#### **ADOPTION OF AMENDMENT ON FINAL PASSAGE OF BILL**

75. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

#### **SIGNING OF BILLS AND RESOLUTIONS BY PRESIDING OFFICER**

76. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read before signing, and the



fact of signing shall be entered on the journals (Constitution, Article 3, Section 38).

### **HOUSE SUBSTITUTES FOR SENATE BILLS**

77. When the house of representatives shall adopt and send to the senate a substitute for a bill that had previously passed the senate and had been sent to the house, said substitute shall be acted upon by the senate in the same manner as a bill that originated in the house of representatives.

### **PETITIONS AND RESOLUTIONS**

78. (a) Every resolution that requires the approval of the governor shall be subject to the rules that govern the proceedings on bills.

(b) Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the senate so directs by a two-thirds vote of the members present. The motion to consider such petition or resolution immediately is not debatable.

(c) The resolution to initially adopt temporary or permanent rules of the senate shall require a majority vote of the members of the senate.

### **CONGRATULATORY, MEMORIAL AND COURTESY RESOLUTIONS**

79. Congratulatory and memorial petitions and resolutions, after a brief explanation by the author or sponsor, shall be considered immediately without debate unless otherwise ordered by a majority of the members present. Upon request by any member, the presiding officer shall, at an appropriate time during the proceedings, recognize guests of such member in the senate chamber or gallery. Any member may request and the secretary of the senate shall provide a maximum of five copies of a courtesy recognition certificate for each person or group so recognized by the presiding officer.

### **AMENDMENTS TO THE CONSTITUTION**

80. All amendments proposed to the constitution shall be subject to rules that govern the proceedings on bills, except that they shall, in all cases, be read on three several days, and shall only be passed by a vote of two-thirds of the members elected to the senate. When a proposed amendment to the constitution may be under consideration, the votes of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions short of the final question.

### **FAILURE OF JOINT RESOLUTION TO BE ADOPTED AFTER THIRD READING**

81. When a joint resolution has failed of adoption on third reading, it shall not be again considered during that session.

### **CALL FOR YEAS AND NAYS BY PRESIDING OFFICER**

82. Upon the final passage of all amendments proposed to the constitution, of all bills appropriating money or lands for any purpose, and of all questions requiring a vote of two-thirds of the members elected, the presiding officer shall call for the yeas and nays, and they shall be entered in the journal. Upon all other questions requiring a vote of two-thirds of the members present, including a motion to suspend the rules, the presiding officer shall determine if there is objection and, if so, call for the yeas and nays, but they shall not be entered into the journal unless required under Rule 29. If no objection is

made, the journal entry shall reflect a unanimous consent vote of the members present without necessity of a roll call of yeas and nays.

### **DEFEATED BILL OR RESOLUTION**

83. After a bill or resolution has been considered and defeated by either branch of the legislature, no bill or resolution containing the same substance shall be passed into a law during the same session (Constitution, Article 3, Section 34).

### **COURSE OF COMMITTEE SUBSTITUTE BILLS**

84. If a committee substitute is adopted by the committee for the pending bill or resolution, and such substitute receives a favorable report, the same shall be reported back to the senate in lieu of the original bill or resolution. The original bill or resolution, for which the substitute was adopted, shall be dead unless reported to the senate and handled under the same procedure as herein provided for minority reports. The substitute, when reported back to the senate shall be read with the report and shall be endorsed by the secretary of the senate as having been read the first time and shall take the same procedure as an original bill or resolution, and no action shall be required on the part of the senate to confirm the substitution made by the committee.

### **CUSTODIAN OF BILLS AND RESOLUTIONS**

85. The calendar clerk shall be the official custodian of the bills and resolutions pending in the senate, and the same may not be withdrawn from the custody of such clerk without the consent of the senate.

### **PERIODS FOR INTRODUCTION AND CONSIDERATION OF BILLS**

86. During the first 60 calendar days of the session, it shall be in order to file with the secretary of the senate bills for introduction during that session. Such bills will be numbered upon receipt and will be introduced not later than the next legislative day; all house and senate bills will be referred to a proper committee not later than the next legislative day after introduction; provided, however, that at any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the governor and special messages to the legislature, and local bills (as defined in Rule 88) may be filed with the secretary of the senate, introduced and referred to the proper committee, and disposed of under the rules of the senate.

### **SUSPENSION OF TIME LIMIT RULE**

87. Except as otherwise provided in Rule 86, no bills shall be introduced after the first 60 calendar days of the session; provided, however, this rule may be suspended by the affirmative vote of four-fifths of the members of the senate.

### **INTRODUCTION AND CONSIDERATION OF LOCAL BILLS**

88. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article 3, Section 5, of the constitution, shall not apply to local bills hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the senate.

### **MEANING OF TERM LOCAL BILLS AS USED IN RULES 86 AND 88**

A local bill is defined for the purposes of this rule as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the state, and which do not include or require any appropriation out of state funds or which do not affect any state policies, and which do not affect directly the state at large, and the operation of which is confined solely to a particular locality, district or section of the state.

### **SUSPENSION OF RULE LIMITING CONSIDERATION OF BILLS**

89. Except as otherwise provided in Rule 86, bills shall not be taken up, considered or acted upon by the senate during the first 60 calendar days of the session, unless this rule be suspended by the affirmative vote of four-fifths of the members of the senate.

### **COMMITTEES REPORTS**

90. All committee reports shall be in writing.

### **RECOMMENDATIONS OF COMMITTEES**

91. All reports of standing committees shall be advisory only, except that a recommendation in a report that a bill which is a local bill be not printed shall be effective as an order of the senate that the bill be not printed. A recommendation in a report that a bill which is a general bill be not printed shall be advisory only, and the bill shall nevertheless be printed unless the senate on the same day or the next legislative day orders the bill not printed, as provided in Rule 74. Bills and resolutions shall be considered on second reading and shall be listed on the daily calendars of bills and resolutions on the president's table for second reading in the order in which the committee reports on them are submitted to the senate.

### **MOTIONS TO REFER OR COMMIT**

92. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee by a two-thirds vote of the members present and voting. Any bill, petition or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition or resolution by a majority vote of the elected members of the senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a committee of the whole senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a select committee.

### **COMMITTEES**

93. All committees shall be appointed by the president, unless otherwise directed by the senate.

### LIST OF STANDING COMMITTEES

94. (a) The following standing committees and subcommittees shall be appointed and shall consist of the number of members indicated; provided, however, that the president shall have authority to appoint other committees if necessary with the consent of two-thirds of the membership of the senate:

- (1) a Committee on Administration (7 members),  
a Subcommittee on Rules (5 members);
- (2) a Committee on Economic Development  
(7 members);
- (3) a Committee on Intergovernmental Relations  
(9 members);
- (4) a Committee on Education (9 members);
- (5) a Committee on Finance (13 members),
- (6) a Committee on Jurisprudence (13 members),  
a Subcommittee on Civil Matters (5 members),  
a Subcommittee on Criminal Matters (5 members);
- (7) a Committee on Human Resources (11 members);
- (8) a Committee on State Affairs (13 members),  
a Subcommittee on Nominations (7 members);
- (9) a Committee on Natural Resources (11 members),  
a Subcommittee on Agriculture (3 members);  
a Subcommittee on Water (3 members).

(b) For each new legislature the president shall have the authority to designate a chairman and vice chairman for each standing committee and subcommittee. The president shall appoint the membership of all standing committees provided that three members of each committee with 10 or less members, and four members of each committee with more than 10 members must be senators who were members of the committee during the previous legislature. The president shall have the authority to appoint the subcommittees set out in Rule 94(a) for each new legislature.

(c) Each member may serve on no more than three of the nine named standing committees provided for in Rule 94 (a) hereof and may hold no more than one chairmanship of a committee. Each member may serve on no more than one standing subcommittee within a standing committee. No member may serve on more than two of the following committees: Finance, State Affairs, Jurisprudence.

(d) Each committee and subcommittee shall adopt, at its first meeting, permanent rules for the operation of the committee to be filed with the secretary of the senate. These rules must provide for, at least, the following: a written record of attendance, lack of quorum, record of meetings, bill referral and re-referral, bill setting, order of hearing of bills, public hearings, subcommittee reports, minority reports, time limit on debate and provision for news coverage.

(e) Each committee and subcommittee shall meet regularly at an established hour and day, or give public notice at least 24 hours in advance if it will not meet or if a special meeting is held. If a committee is prohibited from meeting because of the senate being in session, no such advance notice that the committee will not meet shall be necessary.

(f) No amendment shall be offered to any tax bill on second reading unless the subject matter it entails has been discussed at a public hearing.

### CONFERENCE COMMITTEES

95. All conference committees of the senate shall be selected and appointed by the president or the president pro tempore when the latter shall be presiding. The member authoring or sponsoring the bill for which the conference committee is selected shall be appointed chairman of the senate conferees. The majority of the senate conferees must be from a standing committee which heard the bill.

**INSTRUCTIONS TO CONFERENCE COMMITTEES**

96. Immediately after the senate decides that any matter shall be submitted to a conference committee, the presiding officer shall state "Are there any motions to instruct the conference committee before appointment?" and the presiding officer shall thereupon recognize members to make such motions to instruct and the senate shall proceed to consider all such motions until disposed of or limited under the provisions of Rule 51.

(a) Conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two houses. A conference committee shall have no authority with respect to any bill or resolution:

- (1) to change, alter, or amend text which is not in disagreement;
- (2) to omit text which is not in disagreement;
- (3) to add text on any matter which is not in disagreement;
- (4) to add text on any matter which is not included in either the

house or senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each house to achieve the purposes hereof.

(b) Conference committees on appropriation bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. In addition to the limitations contained elsewhere in these rules, a conference committee on appropriation bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both house and senate versions of the bill, such items must be included in the conference report.

(2) If an item of appropriation appears in both house and senate versions of the bill, and in identical amounts, no change can be made in such item or the amount thereof.

(3) If an item of appropriation appears in both house and senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee, provided that such amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.

(5) If an item of appropriation appears in neither the house nor the senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each house to achieve the purposes hereof.

(c) Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. In addition to the limitations contained elsewhere in these rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both house and senate versions of the bill such item must be included in the conference report.

(2) If a tax item appears in both house and senate versions of the bill, and in identical form and with identical rates, no change can be made in such item or the rate therein provided.

(3) If a tax item appears in both house and senate versions of the bill but at differing rates, no change can be made in the item, but the rate thereof shall be determined at the discretion of the conference committee, provided that such rate shall not exceed the higher version and shall be not less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the rate thereof shall not exceed

the rate specified in the version containing such item.

(5) If a tax item appears in neither the house nor the senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each house to achieve the purposes hereof.

(d) Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts therein, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

(1) If the matters in disagreement affect only certain districts, and other districts are identical in both house and senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts therein; the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two houses.

(3) Insofar as the actual structure of the districts is concerned, and only to that extent, the provisions of Senate Rule 96 (a) shall not apply to conference committees on reapportionment bills.

(e) Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both house and senate versions which properly has no place in such recodification, such material may be omitted from the conference report, if by such omission the existing statute thereon is not repealed, altered or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the house and senate version which properly should be included if such recodification is to achieve its purposes of being all-inclusive of the statutes being recodified, such material may be added to the conference report, if by such addition the existing statute is merely restated without substantive change in existing law.

(f) Limitations imposed on certain conference committees by the provisions of Senate Rule 96(b), (c), (d) and (e) may be suspended in part, by permission of both houses, to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by concurrent resolutions passed by majority vote in each house, with yeas and nays thereon to be recorded in the journals of the respective houses. Such concurrent resolution shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered; (2) the specific limitation or limitations to be suspended thereby; (3) the specific action contemplated by the conference committee thereon; and (4) the reasons why suspension of such limitations is being requested. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

(g) All conference committee reports on the general appropriations bill, tax bills, reapportionment bills, and recodification bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon can be taken by either house, if convened in regular session, and 24

hours, if convened in called session.

(h) All conference committee reports on bills other than the general appropriations bill, and tax, reapportionment and recodification bills must be reproduced and a copy thereof furnished to each member at least 24 hours before any action thereon can be taken by either house; provided, however, that the 24 hour delay on action by either house, as herein provided, shall not apply during the last 48 hours of any session.

(i) Each conference committee report, regardless of its subject matter, must have attached thereto a section by section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show, for each and every disagreement, in parallel columns: (1) the substance of the house version; (2) the substance of the senate version; and (3) the substance of the recommendation thereon by the conference committee. No action shall be taken by either house on any conference committee report in the absence of such analysis except by an affirmative vote of two-thirds of the members present, with the yeas and nays thereon to be recorded in the journal of such house.

(j) The president of the senate shall rule out of order any conference committee report which is in violation of any of the provisions and limitations contained in these rules.

### **COMMITTEE OF THE WHOLE**

97. It shall be in order for the senate at any time after bills and resolutions have been called to resolve itself into a committee of the whole.

### **CHAIRMAN OF COMMITTEE OF THE WHOLE**

98. In forming a committee of the whole senate, the president shall leave the chair, and shall appoint a chairman to preside in committee.

### **RIGHT OF LIEUTENANT GOVERNOR TO SPEAK AND VOTE IN COMMITTEE OF THE WHOLE**

99. When in committee of the whole, the president shall have the right to debate and vote on all questions (Constitution, Article 4, Section 16).

### **PROCEDURE IN COMMITTEE OF THE WHOLE**

100. The rules of the senate, as far as applicable, shall be observed in committee of the whole.

101. Upon a bill being committed to a committee of the whole senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the secretary, on a separate sheet of paper, as the same shall be agreed to by the committee, and so reported to the senate; after the report the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

### **RECORD OF COMMITTEE ATTENDANCE**

102. At all meetings of the senate committees, the chairman shall call the roll of the members and cause to be made a record of those present and the absentees, together with the excuses, if any, of such absentees.

### **PUBLIC NOTICE OF MEETINGS**

103. A bulletin board shall be prepared and placed in the hallway immediately to the rear of the senate chamber, upon which shall be posted the time for meetings of standing committees. Immediately after the time and place

of any committee hearing have been fixed, this information shall be given to the secretary of the senate, who shall cause the same to be posted forthwith on said bulletin board. Public notice of the cancellation of any committee or subcommittee meeting shall be placed on the bulletin board at least 24 hours prior to the previously announced time of that meeting. No committee or subcommittee shall meet without at least 24 hours public notice.

### MINUTES OF COMMITTEE MEETINGS

104. (a) The chairman of each committee and subcommittee shall keep, or cause to be kept under his direction, an accurate record of the proceedings of his committee, and the same shall be open for inspection to any member of the legislature, and to the public. Each committee meeting shall be recorded on magnetic tape.

(b) Each standing committee and subcommittee shall employ a committee clerk, and as determined by the Administration Committee, other staff necessary to coordinate and record the activities of the committee. Such committee clerks, staff or any employee shall in no way be related to any member of the current Texas Legislature, or be related to the person with the power of appointment for that position.

(c) It shall be the duty of the committee clerk, with the assistance of other committee staff members, to keep a permanent, accurate written record of committee proceedings, and to transcribe the magnetic tape recordings of committee hearings as ordered by the committee or subcommittee. It shall be the responsibility of the committee clerk to see that one copy of the transcript of proceedings and one copy of the permanent record be kept in the committee files, one copy of each be given to the secretary of the senate, and three copies of each be placed in the Legislative Reference Library. Such records shall be a matter of public record.

### COMMITTEE HEARINGS

105. Hearings on bills before any committee or subcommittee shall be open to the public, unless otherwise provided by these rules, and reasonable opportunity shall be afforded to interested parties to appear before the committee or subcommittee. All parties appearing before any committee or subcommittee shall be administered an oath or affirmation that the testimony they give is true and correct. This oath or affirmation shall be administered by the chairman or acting chairman of the committee. Any person registered as a lobbyist and representing a client's interest at such hearing when possible shall submit a written statement of his presentation to the committee clerk to be made part of the permanent record of the meeting. The committee by a majority vote shall have the right to fix the order of appearance and the time to be allotted to any such interested party. Any member of the senate, by making timely written requests therefor upon the chairman of the committee (or vice-chairman in the absence of the chairman), shall be entitled to receive at least 48 hours advance notice in writing of the time and place of the hearing on any bill or bills specified in the demand, but the time and place of hearing on any bill having been fixed in response to said request, the chairman shall not be required to change or delay said hearing upon subsequent requests from other members of the senate. After the receipt of such notice by the chairman of the committee (or vice-chairman in the absence of the chairman), no hearing shall be held by the committee or action taken on such bill or bills unless such notice has been previously given as required herein. A member of the senate shall not be entitled to receive at least 48 hours advance notice in writing of the time and place of the hearing on any bill or bills if a notice of the time and place of the hearing is posted at least 72 hours before the time of the hearing and the senate is in session at any time during the first 24 hours of the 72 hour period.



### EXECUTIVE SESSION OF COMMITTEE

106. After public hearing has been concluded on any bill, the committee by a majority vote may direct without debate that action by the committee on such bill be taken in executive session provided, however, that a record of such proceedings held in such executive session shall be kept and that the same shall be open for public inspection.

### QUORUM OF COMMITTEE

107. A majority of any committee shall constitute a quorum, and no action shall be taken upon any bill in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the members present may order the names of the unexcused absentees turned over to the sergeant-at-arms of the senate whose duty it shall be to secure promptly the attendance of such absent members. The sergeant-at-arms shall have the same authority conferred upon him under the rules of the senate as when the senate is operating under a call.

### FILING REPORTS OF COMMITTEES

108. The chairman of the committee (or the vice-chairman in the absence of the chairman) shall file with the secretary of the senate a written report showing the action of such committee on bills and resolutions pending before it. Such reports shall be signed officially by the chairman (or vice-chairman in the absence of the chairman). The chairman of the committee (or the vice-chairman in the absence of the chairman) shall file with the secretary of the senate a written report showing the final action of the committee on each bill and resolution pending before it. He shall file the report within three calendar days from the date the final action on the bill or resolution is taken. Sundays and days the senate is not in session do not count in computing the three-day limit.

If the report is not filed within the three-day limit, any three members of the committee who were present when final action was taken on the bill or resolution may file the report without the signature of the chairman or vice-chairman.

### CONSIDERATION OF BILLS IN COMMITTEES

109. It shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the senate.

No bill or resolution shall be reported favorably unless it has received the affirmative vote of a majority of the membership of the committee to which it was referred, except as provided in Rule 110.

### MINORITY COMMITTEE REPORTS

110. When a motion to report a bill or resolution unfavorably receives a majority vote of the members of the committee, the same shall be dead. If a bill or resolution has been killed by a committee a favorable minority report may be made, provided notice thereof is given by three members of the committee, if the committee is composed of 10 or less and four members if composed of more than 10, present at the time the bill is killed and who voted on the minority side; this report must be in writing, and signed by the members giving notice, and must be filed with the senate within two calendar days from the time such action was taken by the committee (Sundays and days the senate is not in session excepted). Unless one of the members signing the minority report or the sponsor of the bill makes a motion in the senate to have the same substituted for the majority report within 10 calendar days (Sundays and days the senate is not in session

excepted) from the time said minority report was filed with the senate, said bill or resolution shall be dead, and shall not be again considered during the session. It shall take the affirmative vote of a majority of the members of the senate present, but in no event less than 15 affirmative votes to substitute a minority report for the majority report, provided that any motion to substitute the minority for the majority report shall be privileged.

SCHWARTZ  
HIGHTOWER  
AIKIN

The resolution was read.

Question, Shall S.R. 9 be adopted?

### RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 1  
S.C.R. 8

### MOTION TO RECESS

On motion of Senator Aikin the Senate agreed to take recess at the conclusion of the Joint Session until 2:00 o'clock p.m. today.

### JOINT SESSION

(To hear address of Governor Dolph Briscoe)

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m. to hear the address of the Honorable Dolph Briscoe, Governor of Texas, pursuant to the provisions of H.C.R. 1.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Price Daniel, Jr., Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Honorable Dolph Briscoe, Governor of the State of Texas, accompanied by Mrs. Briscoe, his daughters, Janey and Cele, his son, Dolph Briscoe III, and party, was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Aikin, Snelson, Andujar, Wallace and Patman on the part of the Senate, and Representatives Poerner, Bailey, Finnell, Hernandez, Hollowell, Lary, McDonald, Nugent, Ragsdale and Doran, on the part of the House.

The Speaker presented The Honorable William P. Hobby, President of the Senate, who introduced as guests of the Joint Session The Honorable John Hill, Attorney General; The Honorable Robert Calvert, Comptroller of Public Accounts; The Honorable Bob Armstrong, Commissioner of the General Land Office; The Honorable John White, Agriculture Commissioner; The Honorable Jim Langdon, Chairman of the Railroad Commission; The Honorable John Onion, Presiding Judge of the Court of Criminal Appeals; The Honorable W. A. Morrison, The Honorable Leon Douglas, The Honorable Wendell Odom, The Honorable Truman Roberts, Members of the Court of Criminal Appeals; and The Honorable Tom Davis, The Honorable Carl Dalley, The Honorable Wesley Dice, and The Honorable Penn Jackson, Commissioners of the Court of Criminal Appeals.

The Speaker then presented as guests of the Joint Session Mrs. Oveta Culp Hobby, mother of Lieutenant Governor William P. Hobby; Mrs. William P. Hobby; and Mrs. Jessica Catto, sister of the Lieutenant Governor.

The Speaker, The Honorable Price Daniel, Jr., presented His Excellency, The Honorable Dolph Briscoe, Governor of Texas, to the Joint Session.

Governor Briscoe then addressed the Joint Session.

At the conclusion of the Joint Session the Speaker introduced Mrs. Janey Briscoe, Chip, Janey and Cele to the Joint Session.

The Speaker then introduced Governor Briscoe who introduced other platform guests.

### RECESS

The President announced the purpose of the Joint Session had been concluded and declared the Senate at 11:42 o'clock a.m. would take recess until 2:00 o'clock p.m. today in accordance with a motion previously adopted in the Senate.

### After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

### SENATE RESOLUTION 9

The Senate resumed consideration of the pending business, same being S.R. 9.

Question, Shall S.R. 9 be adopted?

Senator Mauzy offered the following amendment to the resolution:

Amend Senate Resolution 9 by deleting Senate Rule 38 and substituting in lieu thereof the following:

"38. Hearings on nominations by the proper committee shall be open meetings. Consideration of nominees for confirmation by the Senate shall be in open session."

The amendment was read.

Senator Moore offered the following substitute for the pending amendment to the resolution:

Amend S.R. 9 as follows:

1. Amend Sec. 38 by adding the following sentence: "Consideration of nominees for confirmation by the Senate shall be in Executive Session unless ordered otherwise by a proper motion adopted by a two-thirds vote of the membership of the Senate."

2. Add a new Sec. 39 and renumber sections accordingly. "39. Nominations shall be acted on in Executive Session only."

The substitute for the pending amendment was read.

Senator Mauzy moved to table the substitute for the pending amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote: Yeas 13, Nays 17.

Yeas: Aikin, Andujar, Clower, Harrington, Hightower, Longoria, Mauzy, McKinnon, Patman, Schwartz, Sherman, Wallace and Wolff.

Nays: Blanchard, Braecklein, Brooks, Creighton, Gammage, Harris, Herring, Jones, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson and Traeger.

Absent-excused: Adams.

Question recurring on the adoption of the substitute for the pending amendment, "Yeas" and "Nays" were demanded.

The substitute for the pending amendment failed of adoption by the following vote: Yeas 14, Nays 16.

Yeas: Blanchard, Braecklein, Creighton, Harris, Herring, Jones, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Snelson and Traeger.

Nays: Aikin, Andujar, Brooks, Clower, Gammage, Harrington, Hightower, Longoria, Mauzy, McKinnon, Patman, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Absent-excused: Adams.

Question recurring on the adoption of the amendment by Senator Mauzy, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote: Yeas 7, Nays 23.

Yeas: Clower, Harrington, Mauzy, McKnight, Moore, Ogg and Patman.

Nays: Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, Meier, Mengden, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Adams.

Senator Creighton offered the following amendment to the resolution:

Amend S.R. 9, by deleting Section 106 and renumbering the remaining sections.

CREIGHTON  
BROOKS  
OGG

The amendment was read and was adopted.

Senator Mengden offered the following amendment to the resolution:

Amend S.R. 9 by substituting the following for Rule 15 to read as follows:

"15. Every question of order shall in the first instance be decided by the president, from whose decision any member may appeal to the senate. When requested in writing by a member of the senate, a ruling of the Chair on a point of order shall be reduced to writing, including a statement of the point of order, the ruling, the reasons for the ruling, and a citation of the rule or rules on which the ruling is based. Rulings which set or alter precedent shall be printed as an annotation to the rules. A copy of such written ruling shall be distributed to each Member on the calendar day following the day the ruling is made. Such rulings shall be compiled and printed weekly in a form that permits insertion into the Legislative Manual."

The amendment was read and failed of adoption.

Senator Creighton offered the following amendment to the resolution:

Amend proposed Senate Rule 110, concerning Minority Committee Reports, to read as follows:

#### **"MINORITY COMMITTEE REPORTS**

"110. When a motion to report a bill or resolution unfavorably receives a majority vote of the members of the committee, the same shall be dead. If a bill or resolution has not been so killed by a majority of the committee, a favorable minority report may be made, provided notice thereof is given by three members of the committee, if the committee is composed of 10 or less and four members if composed of more than 10, present at the time the bill is killed and who voted on the minority side; this report must be in writing, and signed by the members giving notice, and must be filed with the senate within two calendar days from the time such action was taken by the committee (Sundays and days the senate is not in session excepted). Unless one of the members signing the minority report or the sponsor of the bill makes a motion in the senate to have the same substituted for the majority report within 10 calendar days (Sundays and days the senate is not in session excepted) from the time said minority report was filed with the senate, said bill or resolution shall be dead, and shall not be again considered during the session. It shall take the affirmative vote of two-thirds of the members of the senate present to substitute a minority report for the majority report, provided that any motion to substitute the minority for the majority report shall be privileged."

The amendment was read.

Senator Mauzy offered the following substitute for the pending amendment to the resolution:

Amend Senate Resolution 9 by deleting Senate Rule 110 and substituting in lieu thereof the following:

"110. If a motion to report a bill or resolution favorably does not

receive a majority vote of the members of the committee, the bill or resolution shall be dead. Likewise, if a motion to report a bill or resolution unfavorably receives a majority vote of the members of the committee, the same shall be dead. When a bill or resolution has been killed by a committee, a favorable minority report may be made, provided notice thereof is given by two members of the committee, if the committee is composed of 10 or less and 3 members if composed of more than 10, present at the time the bill is killed and who voted on the minority side; this report must be in writing, and signed by the members giving notice, and must be filed with the Senate within 2 calendar days from the time such action was taken by the committee (Sundays and days the Senate is not in session excepted). Unless one of the members signing the minority report or the sponsor of the bill makes a motion in the Senate to have the same substituted for the majority report within 10 calendar days (Sundays and days the Senate is not in session excepted) from the time said minority report was filed with the Senate, said bill or resolution shall be dead, and shall not be again considered during the session. It shall take the affirmative vote of a majority of the Members of the Senate present, but in no event less than 15 affirmative votes to substitute a minority report for the majority report, provided that any motion to substitute the minority for the majority report shall be privileged."

The substitute for the pending amendment was read.

Question on the adoption of the substitute for the pending amendment, "Yeas" and "Nays" were demanded.

The substitute for the pending amendment failed of adoption by the following vote: Yeas 9, Nays 21.

Yeas: Brooks, Clower, Gammage, Harrington, Kothmann, Mauzy, Patman, Snelson and Wallace.

Nays: Aikin, Andujar, Blanchard, Braecklein, Creighton, Harris, Herring, Hightower, Jones, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Traeger and Wolff.

Absent-excused: Adams.

Question recurring on the adoption of the pending amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote: Yeas 15, Nays 15. (The President announced he would vote "Yea".)

Yeas: Mr. President, Andujar, Blanchard, Braecklein, Creighton, Harris, Herring, Jones, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban and Traeger.

Nays: Aikin, Brooks, Clower, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, Patman, Schwartz, Sherman, Snelson, Wallace and Wolff.

Absent-excused: Adams.

Senator Clower offered the following amendment to the bill:

Amend Senate Rule 105, concerning Committee Hearings, to read as follows:

#### **"COMMITTEE HEARINGS**

"105. No bill shall be reported to the floor unless it shall first have been subject of a public hearing by committee. Hearings on bills before any

committee or subcommittee shall be open to the public, unless otherwise provided by these Rules, and reasonable opportunity shall be afforded to interested parties to appear before the committee or subcommittee. All parties appearing before any committee or subcommittee shall be administered an oath or affirmation that the testimony they give is true and correct. This oath or affirmation shall be administered by the Chairman or Acting Chairman of the committee. Any person registered as a lobbyist and representing a client's interest at such hearing when possible shall submit a written statement of his presentation to the committee clerk to be made part of the permanent record of the meeting. The committee by a majority vote shall have the right to fix the order of appearance and the time to be allotted to any such interested party. Any Member of the Senate, by making timely written requests therefor upon the Chairman of the Committee, or Vice-Chairman in the absence of the Chairman, shall be entitled to receive at least 48 hours advance notice in writing of the time and place of the hearing on any bill or bills specified in the demand, but the time and place of hearing on any bill having been fixed in response to said request, the chairman shall not be required to change or delay said hearing upon subsequent requests from other Members of the Senate. After the receipt of such notice by the Chairman of the Committee, or Vice-Chairman in the absence of the Chairman, no hearing shall be held by the Committee or action taken on such bill or bills unless such notice has been previously given as required herein. A Member of the Senate shall not be entitled to receive at least 48 hours advance notice in writing of the time and place of the hearing on any bill or bills if a notice of the time and place of the hearing is posted at least 72 hours before the time of the hearing and the Senate is in session at any time during the first 24 hours of the 72 hour period."

The resolution was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend Senate Resolution 9 by deleting Senate Rule 92 and substituting in lieu thereof the following:

"92. Any bill, petition or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition or resolution by a majority vote of those Members of the Senate present and voting. Any bill, petition or resolution may be re-referred by a majority vote of those Members present and voting from one committee or subcommittee to another committee or subcommittee. A bill or joint resolution sent to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions are made for reference of a subject to a committee or subcommittee, they shall have preference in the following order:

- First: To a Committee of the Whole Senate
- Second: To a Standing Committee
- Third: To a Standing Subcommittee
- Fourth: To a Select Committee"

The amendment was read.

Senator Schwartz moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Harris, Herring, Hightower, Jones, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Clower, Gammage, Harrington, Kothmann, Mauzy, Patman and Wallace.

Absent-excused: Adams.

Senator Mauzy offered the following amendment to the resolution:

Amend the proposed rules of the Senate by adding to the end of Rule 12 the following:

"A motion to suspend the rules to consider a bill shall not be in order until at least five bills on the day's Senate calendar shall be considered and voted on."

The amendment was read.

Senator Moore moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Harris, Herring, Hightower, Jones, Kothmann, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Clower, Gammage, Harrington, Longoria, Mauzy, Patman and Wallace.

Absent-excused: Adams.

Senator Mauzy offered the following amendment to the bill:

Amend Senate Resolution 9 by deleting Senate Rule 51 and substituting in lieu thereof the following:

"51. Pending consideration of any question before the Senate any Senator may call for the previous question, and if seconded by five Senators, the Presiding Officer shall submit the question: 'Shall the main question be now put?' And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments, and bring the Senate to a direct vote, first upon pending amendments and motions, if there be any, then upon the main proposition, 24 hours later, regardless of other business which might be pending before the Senate at that time. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion."

The amendment was read and failed of adoption by the following vote: Yeas 5, Nays 25.

Yeas: Aikin, Harrington, Hightower, Mauzy and Wallace.

Nays: Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harris, Herring, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Absent-excused: Adams.



**REASON FOR VOTE**

The filibuster is the only tool that the minority has to protect itself from the tyranny of the majority.

MENGDEN

Senator Mauzy offered the following amendment to the resolution:

Amend Senate Resolution 9 by adding a subsection to Senate Rule 93 to read as follows:

"93.(b) The Members of the Senate shall elect the Chairmen and membership of all standing Committees and Subcommittees.

(1) Prior to the first legislative day of each regular session of the Legislature, Members of the Senate shall caucus according to political party affiliation and elect a caucus chairman and secretary. Each caucus shall then:

(a) select its nominees for the Chairmanship of each standing Committee and Subcommittee;

(b) canvass its membership, on the basis of seniority, to determine the committee vacancies to which each member wishes to be nominated;

(c) and nominate membership for the various committees subject to election by the Senate, in accordance with limitations placed on committee membership by Rule 94, section (c).

(2) All standing Committees, standing Committee Chairmen and standing Subcommittee Chairmen shall be elected by the Senate during the first three (3) days of the regular session.

(3) Seniority, as used within the context of these Rules, shall mean total time served as a member of the Senate, which service need not be consecutive. Except for the Chairman and Vice Chairman, members of a standing Committee or Subcommittee shall rank according to their seniority, and members with the same seniority shall draw numbers to determine the order of their ranking."

The amendment was read.

Senator Aikin moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 25, Nays 4, Present 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Harris, Mauzy, Mengden and Wallace.

Present-Not Voting: Blanchard

Absent-excused: Adams.

Senator Harris raised the Point of Order that because the Senate had adopted as Temporary Rules the Rules of the Sixty-second Legislature, a two-thirds vote would be required to adopt the Permanent Rules of the Sixty-third Legislature.

The President overruled the Point of Order, stating: "No Permanent

Rules have been adopted by the Sixty-third Legislature. This is not a continuous body (Constitution of Texas). In order to operate the first few days of the Session, the Senate adopted the Temporary Rules resolution (S.R. 2) on January 9 by a voice vote (majority vote).

"The Permanent Rules for the Sixty-third Legislature are now under consideration and may be adopted by a majority vote."

The resolution (S.R. 9) as amended was then adopted by the following vote: Yeas 24, Nays 6.

Yeas: Aikin, Braecklein, Brooks, Clower, Creighton, Gammage, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Andujar, Blanchard, Harrington, Harris, Mengden and Patman.

Absent-excused: Adams.

#### **APPOINTMENT OF STANDING COMMITTEES**

The President announced the appointment of the following as Standing Committees of the Senate of the Sixty-third Legislature:

##### **1. ADMINISTRATION (7)**

Hightower, Chairman; Adams, Vice Chairman; Schwartz, Traeger, Longoria, Mauzy, McKinnon.

##### **a. SUBCOMMITTEE ON RULES (5)**

Schwartz, Chairman; Longoria, Vice Chairman; Traeger, Hightower, Adams.

##### **2. ECONOMIC DEVELOPMENT (7)**

Creighton, Chairman; Harrington, Vice Chairman; Moore, Harris, Gammage, Blanchard, Jones.

##### **3. INTERGOVERNMENTAL RELATIONS (9)**

Wallace, Chairman; Traeger, Vice Chairman; Snelson, Clower, Herring, Adams, Patman, Harrington, McKinnon.

##### **4. EDUCATION (9)**

Mauzy, Chairman; Snelson, Vice Chairman; Clower, Aikin, Wolff, Jones, Santiesteban, Ogg, Longoria.

##### **5. FINANCE (13)**

Aikin, Chairman; Wolff, Vice Chairman; Moore, Herring, Brooks, Creighton, Meier, Hightower, Wallace, Snelson, Sherman, Schwartz, Santiesteban.

##### **6. JURISPRUDENCE (13)**

Herring, Chairman; Harris, Vice Chairman; Mengden, Gammage, Santiesteban, Mauzy, Meier, Ogg, Adams, Wallace, McKnight, Sherman, Braecklein.

##### **a. SUBCOMMITTEE ON CIVIL MATTERS (5)**

Ogg, Chairman; Braecklein, Vice Chairman; Wallace, Herring, Adams.

##### **b. SUBCOMMITTEE ON CRIMINAL MATTERS (5)**

Santiesteban, Chairman; Gammage, Vice Chairman; Meier, Sherman, Harris.

##### **7. HUMAN RESOURCES (11)**

Brooks, Chairman; Meier, Vice Chairman; Schwartz, Harris, Kothmann, Patman, Braecklein, Gammage, Andujar, Mengden, Clower.

**8. STATE AFFAIRS (13)**

Moore, Chairman; Kothmann, Vice Chairman; Aikin, Brooks, Traeger, Longoria, McKinnon, Blanchard, Braecklein, Wolff, McKnight, Andujar, Ogg.

**a. SUBCOMMITTEE ON NOMINATIONS (5)**

McKinnon, Chairman; Andujar, Vice Chairman; Blanchard, Ogg, Traeger, Braecklein, Longoria.

**9. NATURAL RESOURCES (11)**

Sherman, Chairman; McKnight, Vice Chairman; Kothmann, Jones, Mengden, Hightower, Andujar, Creighton, Patman, Harrington, Blanchard.

**a. SUBCOMMITTEE ON WATER (3)**

Creighton, Chairman; Mengden, Vice Chairman; Hightower.

**b. SUBCOMMITTEE ON AGRICULTURE (3)**

Patman, Chairman; Jones, Vice Chairman; Sherman.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Wolff:

S.B. 1, A bill to be entitled An Act making an appropriation to the Texas Constitutional Revision Commission; and declaring an emergency.

To Committee on Finance.

By Senator Schwartz:

S.B. 2, A bill to be entitled An Act relating to capital improvements for the University of Houston at Clear Lake City and for the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources; amending Subchapter B, Chapter 55, Texas Education Code, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Schwartz:

S.B. 3, A bill to be entitled An Act relating to the use of flashing red signal lights on church buses; requiring drivers of other vehicles to stop when approaching a church bus under certain circumstances; amending Section 104 and Subsections (b) and (d) of Section 124, the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Schwartz:

S.B. 4, A bill to be entitled An Act providing that an action for the recovery of lands, tenements, or hereditaments against one having peaceable and adverse possession must be instituted within ten years after the cause of action accrues; providing that the statute of limitations may not be pleaded in bar of the action if the person bringing the action for recovery of an interest in land has paid taxes thereon within ten years; providing that the statute of limitations may not be pleaded unless the adverse claimant has paid taxes thereon during the ten years; amending Article 5510, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Schwartz:

S.B. 5, A bill to be entitled An Act relating to the method of payment of salaries of State employees; amending Article 6826, Vernon's Civil Statutes, and Section 2(a) of Article V of Chapter 1, Acts of the Sixty-second Legislature, Third Called Session, 1972, (General Appropriations Act),

providing an effective date; and declaring an emergency.

To Committee on Finance.

By Senator Schwartz:

S.B. 6, A bill to be entitled An Act relating to the creation of a tax credit for penalties paid for delinquent taxes following the failure of the assessor-collector to issue tax notices before the due date; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Harrington:

S.B. 7, A bill to be entitled An Act increasing the penalty for certain capital offenses; amending Articles 48, 84, 309, 1189, 1257 as amended, and 1408, Penal Code of Texas, 1925; amending Section 3-a, Chapter 274, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 1257b, Vernon's Texas Penal Code); amending Section 1, Chapter 12, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 1177a, Vernon's Texas Penal Code); amending Section 23(c), Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code); amending Section 15(a), Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 8, A bill to be entitled An Act relating to capital improvements for the University of Houston at Clear Lake City and for the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources; amending Subchapter B, Chapter 55, Texas Education Code, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Brooks:

S.B. 9, A bill to be entitled An Act relating to the fiscal year of the state; amending Article 12, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

To Committee on Finance.

By Senators Creighton and Meier:

S.B. 10, A bill to be entitled An Act relating to the punishment for murder under certain circumstances and conditions; amending quoted Article 1257 of Section 1, Chapter 274, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 1257, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Jurisprudence.

By Senators Wolff and Hightower:

S.B. 11, A bill to be entitled An Act, relating to primary elections and conventions held by political parties; changing the dates of the primaries and conventions and related actions; making procedural changes incidental to the change in dates; also making certain changes in addition to those necessitated by the change in dates; prescribing criminal penalties; amending sections of the Texas Election Code as follows: Sections 180 and 181 (Articles 13.02 and 13.03, Vernon's Texas Election Code); Subsection (1), Section 186 (Article 13.08); Paragraphs 2, 2a, 3, and 4, Section 190 (Article 13.12); Section 192 (Article 13.14); Subsection (a), Section 195 (Article 13.17); Sections 205, 212, 213, 216, 217, 222, 223, 224, and 235 (Articles 13.27, 13.34, 13.35, 13.38, 13.39, 13.45, 13.46, 13.47, and 13.58); and Subsections 3 and 4, Section 177 (Article 12.02); repealing Section 215, Texas Election Code (Article 13.37, Vernon's Texas Election Code); and declaring an emergency.

To Committee on State Affairs.

By Senator Brooks:

S.B. 12, A bill to be entitled An Act creating Harris County Youth Village Independent School District; providing its territorial limits; providing for trustees; providing for certification of the census of children and apportionment of state and county available school funds; providing eligibility for Foundation School Program assistance and authority to accept gifts and grants; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Kothmann:

S.B. 13, A bill to be entitled An Act relating to the maintenance of safe bridges by municipal corporations; requiring construction of bridges which meet minimum standards of safety; placing responsibility; providing for penalties and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Traeger:

S.B. 14, A bill to be entitled An Act relating to the fiscal year of the State; amending Article 12, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

To Committee on Finance.

By Senator Kothmann:

S.B. 15, A bill to be entitled An Act declaring a policy for a standard of ethics for members of the House of Representatives and Senate, legislative officers or employees, elected or appointed state officers, and judges; establishing standards of conduct; creating a State Ethics Commission; requiring reporting of campaign financial contributions; requiring full, public disclosure of all sources of income, debts, holdings of members, officers and judges and their immediate families; declaring powers and duties of the Ethics Commission; declaring findings and disposition of cases brought before the Ethics Commission; declaring the confidential nature of certain matters of the Ethics Commission; establishing compensation for Ethics Commission members; declaring violations and penalties; providing for appeals; providing that other remedies not be prejudiced; repealing certain other acts; providing for severability and declaring an emergency.

To Committee on Jurisprudence.

By Senator Kothmann:

S.B. 16, A bill to be entitled An Act relating to the registration and filing of statements of certain expenditures and activities by certain persons involved in influencing legislation; establishing standards of conduct, procedures for filing statements, registration, and revoking registrations; prohibiting certain acts; providing penalties; repealing Chapter 9, Acts of the 55th Legislature, 1st Called Session, 1957 (Article 183-1, Vernon's Texas Penal Code); providing for severability; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Harris:

S.B. 17, A bill to be entitled An Act relating to the interception and use of wire or oral communications by amending the Code of Criminal Procedure, 1965, by adding a new Article 18.31; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Kothmann:

S.B. 18, A bill to be entitled An Act requiring liability insurance on all motor vehicles registered in this state; providing for administration and enforcement; and declaring an emergency.

To Committee on Economic Development.

By Senator Kothmann:

S.B. 19, A bill to be entitled An Act amending Article 1430, Penal Code of Texas, 1925, relating to the receiving of stolen property; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

S.B. 20, A bill to be entitled An Act relating to the punishment for murder under certain circumstances and conditions; amending Article 1257, Penal Code of Texas, 1925, as amended; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Schwartz:

S.J.R. 1, Proposing an amendment to Article XVI, Section 59, of the Texas Constitution, establishing certain requirements relative to the enactment of laws creating certain conservation and reclamation districts.

To Committee on Natural Resources.

By Senators Sherman, Andujar and Gammage:

S.J.R. 2, Proposing an amendment to the Constitution of the State of Texas amending Article V thereof to provide for the merit selection of justices of the supreme court and judges of the courts of appeals; creating a Judicial Nominating Commission; establishing terms of office for all judges; and authorizing the legislature to provide for merit selection of judges of the district courts and county courts.

To Committee on Jurisprudence.

By Senator Wolff:

S.C.R. 1, Providing for the creation of the Texas Constitutional Revision Commission.

To Committee on State Affairs.

By Senator Wolff:

S.C.R. 2, Providing for the creation of a Joint Constitutional Convention Planning Committee.

To Committee on State Affairs.

By Senator Harrington:

S.C.R. 3, Providing for the creation of a committee of five members to select a Poet Laureate of the State of Texas.

To Committee on Administration.

By Senator Kothmann:

S.C.R. 7, Commending the sponsors of the Texas Trade Fair of the Americas for their efforts to build a greater Texas.

To Committee on Education.

## WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 8 - By Senator Kothmann: Extending congratulations to Mrs. Mildred Vuris.

S.R. 10 - By Senator Kothmann: Extending congratulations to Dr. Walter B. Barnett, Jr.

S.R. 11 - By Senator Kothmann: Extending welcome to Mrs. Patrick F. Cassidy, et al.

S.R. 12 - By Senator Aikin: Extending welcome to Albert Roach.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 4:25 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**SIXTH DAY**

(Thursday, January 18, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: Adams.

A quorum was announced present.

The Reverend Charles A. Sumners offered the invocation as follows:

Almighty God our Heavenly Father, we acknowledge Thy Presence here and now. We see one another outwardly, blessed Lord. Remind us that thou seest each of us inwardly. Grant that these Thy sons and Thy daughters may be so sure of Thy love that they do not need to strive for approval from one another. Let thine own integrity permeate the inner being of every person in this Senate. As we stand in this one place, lift our vision that we may see every child of thine in this whole state of Texas. Forgive us when we are unaware of our obligations and privileges as citizens of the United State of America. In the large responsibilities before everyone here grant that we may rely upon thine infinite wisdom and power. For all Thy blessings we give thee thanks through Jesus Christ. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Adams was granted leave of absence for today on account of illness on motion of Senator Jones.

**COMMITTEE APPOINTED**

In accordance with the provisions of S.C.R. 6, the President announced the appointment of the following Committee to select the Poet Laureate of Texas: Senators Harrington, Chairman, and Kothmann.